

AG Contract No. KR93 3181TRN
JPA No. 93-142
ECS File No. JPA 94-42
TPD Contract No.
Project No. P2294 01P -- 06P
Project: FY 94 Air Quality
Demonstration Projects

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE DEPARTMENT OF TRANSPORTATION
AND
THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY

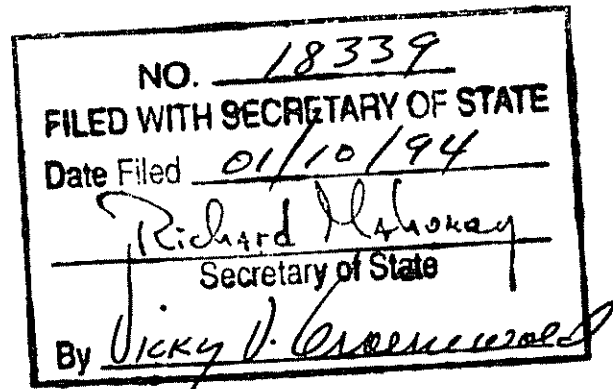
THIS AGREEMENT is entered into 10 January, 1994,
pursuant to Arizona Revised Statutes Section 11-952 through
11-954 as amended, between the ARIZONA DEPARTMENT OF
TRANSPORTATION, acting by and through its Transportation
Planning Division (the "State") and the MARICOPA COUNTY BOARD
OF SUPERVISORS, REGIONAL PUBLIC TRANSPORTATION AUTHORITY,
acting by and through its Executive Director (the "RPTA").

I. RECITALS

1. The ADOT is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the ADOT.

2. The RPTA is empowered by Arizona Revised Statutes
Section 28-2513 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has
authorized the undersigned to execute this agreement on behalf
of the RPTA.

3. The ADOT and RPTA have direct responsibilities with
respect to Transit Planning and Operations in the metropolitan
areas of the state, such as the geographical area comprised of
Maricopa County. The State and the RPTA desire to accomplish
the FY94 Air Quality Demonstration Projects as defined in the
project workscopes contained in Attachments A through D.



II. SCOPE

1. The State will:

a. On a reimbursable basis, provide RPTA FY94 State funding up to \$202,000.00 for work performed in accordance with Attachments A through D which are attached hereto and made a part hereof.

b. Review and approve progress of the work and retain the option to approve any and all subcontracts.

2. The RPTA will:

a. Perform work in accordance with Attachments A through D. Comply with all applicable State and local laws, including the State procurement code. Comply with the State's accounting and record keeping procedures. Cooperate with the State to accomplish the goals of Chapter 365, Laws of 1987.

b. Permit authorized State personnel to inspect and review work on the project at reasonable times and places. Provide the State statistics on pollution reduction using the formula in Attachment E.

c. Submit invoices to the State in accordance with Attachment B, supported by narrative reports. Acknowledge the State ADOT as the funding source in all promotional materials, newsletters and press releases.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until 30 September 1994, and may be cancelled at any time upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

Regional Public Transportation Authority
Executive Director
302 North 1st Avenue Suite 700
Phoenix, AZ 85003

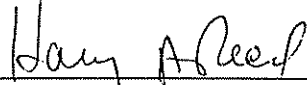
7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

**REGIONAL PUBLIC TRANSIT
AUTHORITY**

STATE OF ARIZONA
Department of Transportation

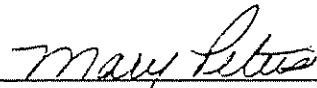
By 
G. KENNETH DRIGGS
Executive Director

By 
HARRY A. REED, Director
Transportation Planning
Division

RESOLUTION

BE IT RESOLVED on this 24th day of September 1993, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Transportation Planning Division, to enter into an agreement with the Regional Public Transportation Authority for the purpose of defining responsibilities for the implementation and operation of various bus transit services and the development and implementation of the Automatic Vehicle Location system.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Director, Transportation Planning Division.


for 

LARRY S. BONINE
Director

RESOLUTION

BE IT RESOLVED on this date, December 15, 1993, I, G. KENNETH DRIGGS, the below undersigned Executive Director, Regional Public Transportation Authority, hereby determine that it is to the advantage of the Regional Public Transportation Authority acting by and through its Board of Directors, and the State of Arizona acting by and through the Department of Transportation, to enter into an Intergovernmental Agreement for the purpose of funding FY 93-94 ADOT Air Quality Demonstration projects in accordance with Chapter 365, Laws of 1987.

Dated this 15th day of December, 1993



G. Kenneth Driggs
Executive Director
Regional Public Transportation Authority

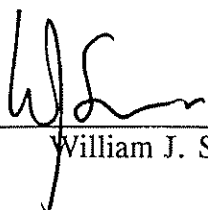
JPA-142

APPROVAL OF THE MARICOPA COUNTY
REGIONAL PUBLIC TRANSPORTATION AUTHORITY ATTORNEY

I have reviewed the attached proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the REGIONAL PUBLIC TRANSPORTATION AUTHORITY and declare this agreement to be in proper form and within the powers and authority granted the Authority under the laws of the State of Arizona.

DATED this 3rd day of November, 1993

MEYER, HENDRICKS, VICTOR, OSBORN & MALEDON
A Professional Association
Attorneys for the Regional Public
Transportation Authority

By 
William J. Sims



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

GRANT WOODS
ATTORNEY GENERAL

MAIN PHONE : 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT

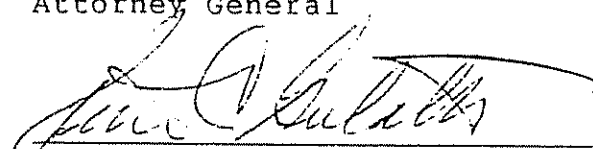
DETERMINATION

A.G. Contract No. KR93-3181-TRN, is an agreement between public agencies and has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 2nd day of January, 1994.

GRANT WOODS
Attorney General


Assistant Attorney General
Transportation Section